UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X
                                           :
RAYLIN FABRE,   :
                          Petitioner,   :
                                           :
            -v-   :   08 Civ. 5883 (DLC)
                                           :
JUSTIN TAYLOR, SUPERINTENDENT,   :   ORDER
GOUVERNEUR CORRECTIONAL FACILITY,   :
                          Respondent.   :
                                           :
---X

DENISE COTE, District Judge:

The Antiterrorism and Effective Death Penalty Act of 1996

("AEDPA") became effective on April 26, 1996. Among other

things, AEDPA amends 28 U.S.C. § 2244 to require that habeas

petitions brought under 28 U.S.C. § 2254 be filed no later than

one year after the completion of state court direct review.

Fabre's petition was received by the Pro Se office on June 30,

2008. He was denied leave to appeal by the New York Court of

Appeals on January 14, 2008. Therefore, petitioner's judgment

of conviction became final within the meaning of AEDPA on April

14, 2008.

The Court having concluded that the petition should not be

summarily dismissed pursuant to Rule 4 of the Rules governing

Section 2254 cases in the United States District Courts, it is

hereby

ORDERED that the respondent file an answer to the petition or other pleading in response thereto, along with the record on appeal, appellate briefs, and relevant trial and post-conviction records and transcripts, no later than September 12, 2008.
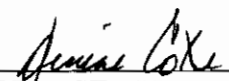
IT IS FURTHER ORDERED that the Clerk of Court serve copies of this Order and of the petition by certified mail upon the respondent and the Attorney General of the State of New York.

IT IS FURTHER ORDERED that petitioner shall have thirty days from the date on which he is served with respondent's answer to file a response.　The petition will be considered fully submitted as of that date.

IT IS FURTHER ORDERED that this action is referred to Magistrate Judge Peck.　All correspondence and requests should be sent to the attention of Judge Peck.

SO ORDERED:

Dated:　　New York, New York
　　　　　July 9, 2008

_____
DENISE COTE
United States District Judge

2

Copy sent to:

Raylin Fabre
No. 06R3740
Gouverneur Correctional Facility
P.O. Box 480
Gouverneur, NY 13642